



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,413	07/19/2006	Kunihiro Mishima	SEY-06-1193	3130

35811 7590 11/29/2010
IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER

DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
----------	--------------

3654

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/29/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary	Application No. 10/586,413	Applicant(s) MISHIMA ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding Claim 1, there is nothing in the written description regarding a piece of a guide roll, only a complete guide roll. Further, as addressed in the 35 U.S.C. 112, 2nd paragraph rejection below, it is unclear what is meant by a piece of the guide roll.

Claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3654

Regarding Claim 1, the limitation, "a piece of a guide roll" in line 2 renders the claim indefinite, because it is unclear what is meant by this limitation. Furthermore the specification and drawing appear to discuss and show the invention comprising the whole guide roll not just a piece of it.

Claim Rejections - 35 USC § 102

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Swanke et al. (US-3986650). Regarding Claim 1, Swanke et al. disclose an elongate material path guide capable of guiding yarn comprising a guide roll piece of a guide roll 20; and a supporting member 28 that supports the guide roll, the supporting member having a rotating shaft 29 at a position twisted at a right angle to a rotating shaft 25 of the guide roll, and wherein a fiber bundle is capable of being guided automatically in an original elongate material (or yarn) path direction by inclining the guide roll with respect to the elongate material (or yarn) path when the guide roll is rotating around the rotating shaft of the supporting member in response to variation of the elongate material (or yarn) path, when an angle between the rotating shaft of the supporting member and the original elongate material (or yarn) path enter the guide roll is α ($\alpha = 0^\circ$) and an angle between the rotating shaft of the supporting member and the original yarn path coming out of the guide roll is β (β is approximately 100°), and the elongate material (or yarn) is capable of being set up so that α and β have the relation $\alpha < \beta$ and $\alpha + \beta < 180^\circ$ (Figures 1-4).

Regarding Claim 2, Swanke et al. disclose an axis 95 of the rotating shaft of the supporting member crosses the original yarn path at one portion (Figures 1-4).

Claim Rejections - 35 USC § 103

Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nojiri et al. (US-5499776) in view of Swanke et al. (US-3986650). Regarding Claim 4, Nojiri et al. discloses a manufacturing apparatus 1,2,3,4 of a fiber bundle package P comprising yarn path guides 2₁,2₂,2₃,2₄,2_e (Figures 1-8). Nojiri et al. does not expressly disclose the yarn path guide of Claim 1.

However, as advanced above, Swanke et al. disclose the yarn path guide of Claim 1 (Figures 1-4). Because both Swanke et al. and Nojiri et al. teach yarn path guides, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the yarn path guide of Swanke et al. for the yarn path guide of Nojiri et al. to achieve the predictable result of guiding the yarn as taught by Nojiri et al. and to maintain the alignment of the yarn as taught by Swanke et al.

Regarding Claim 5, Nojiri et al. disclose a method of manufacturing the fiber bundle package of Claim 4 comprising supplying a fiber bundle F to the yarn path guide (Figures 1-8).

Regarding Claims 7-8, Nojiri et al. disclose a fiber bundle traversing device comprising a traverse guide 2 capable of guiding the fiber bundle F and a traverse

Art Unit: 3654

mechanism 6,7,8 of the traverse guide, capable of traversing the fiber bundle by reciprocating the traverse guide in the direction of a bobbin rotating shaft 3 by the traverse mechanism, wherein the traverse guide has yarn path guides 2₁,2₂,2₃,2₄,2_e capable of guiding the fiber bundle. Nojiri et al. does not expressly disclose the yarn path guide of Claim 1 wherein the rotating shaft of the supporting member crosses the center of the yarn path.

However, as advanced above, Swanke et al. disclose the yarn path guide of Claim 1 wherein an axis 95 of the rotating shaft of the supporting member crosses the center of the yarn path (see rejection of Claim 2) (Figures 1-4). Because both Swanke et al. and Nojiri et al. teach yarn path guides, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the yarn path guide of Swanke et al. for the yarn path guide of Nojiri et al. to achieve the predictable result of guiding the yarn as taught by Nojiri et al. and to maintain the alignment of the yarn as taught by Swanke et al.

Response to Arguments

With respect to Applicant's arguments starting on page 3, line 14 to page 4, line 25, Applicant argues the invention of Rauchfuss, Jr. et al. operates on a different principle than Applicant's invention. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 4, line 26 to page 5, line 2, Applicant argues the axis of the rotating shaft of Rauchfuss, Jr. et al. is parallel to the yarn path; and therefore comes together in a certain region and does not cross at one portion. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 5, line 3 to page 5, line 10, Applicant argues Rauchfuss, Jr. et al. does not overcome the deficiency of Nojiri et al. as the invention of Rauchfuss, Jr. et al. operates on a different principle than Applicant's invention. Applicant's arguments with respect to claims 4-5 and 7-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated, including the addition of the limitation, "piece of" to line 2 of Claim 1, the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3654

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 7 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WILLIAM E DONDERO/
Primary Examiner, Art Unit 3654